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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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HOUSE WEEK IN REVIEW

The House of Representatives devoted the week to consideration of South Carolina's \$5.6 billion **State government budget**. The House amended and approved **H.4878**, the general appropriation bill for Fiscal Year 2002-2003.

Highlights from the House-passed budget for the upcoming fiscal year include:

- **NON-RECURRING REVENUE** is generated from various sources, including but not limited to:
 - Redirecting interest from various state agency restricted accounts, generating approximately \$50.3 million;
 - Establishment of a tax amnesty program, which it is estimated will generate around \$5 million;
 - Reducing the state's contribution to the employee retirement plan, and transferring various other agency funds to the General Fund (i.e., \$10 million from Unclaimed Property Subfund and \$5 million from the 911 Phone Surcharge Subfund of the State Treasurer's Office), generating a total of approximately \$73 million; over \$29 million of these funds will be used to cover increases in state employee health insurance costs;
 - Transferring \$100 million from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund; Out of these funds, the Silvercard prescription drug program is to be funded at \$23.2 million, \$4 million goes to the Department of Mental Health, and \$71.5 million is to be expended for Medicaid match and to reimburse nursing homes for franchise fees and provide up to \$7.5 million needed to continue the nursing home rate increases made possible by the franchise fees. In addition, this year's joint resolution imposing an annual franchise fee on nursing homes is repealed.
- **LOTTERY** - The House approved provisions authorizing participation in multi-state lottery games. The House specified that the \$216,200,000 in lottery revenue be considered non-recurring funds, to be expended as follows (figures are rounded):

○ Education Accountability Act Increase	\$23.9 million
○ K-5 Reading, Math, Science, and Social Studies Program	36.5 million
○ School Buses	35.0 million
○ ETV Digitalization	18.5 million
○ Aid to public libraries	1.5 million
○ LIFE Scholarship Increase (Includes technical college students)	42.1 million
○ Palmetto Fellows Increase to \$5,500	3.5 million
○ Tuition grants for private college students	2.0 million
○ Endowed Chairs at Research Universities	30.0 million

- Technology: Public four-year universities,
two-year institutions, and state technical schools 21.7 million
- National Guard tuition repayment program 1.5 million

Teacher pay was set at \$300 above the Southeastern average; The Southeastern average is projected to be \$39,551;

- A teacher supply allotment of \$200 must be paid to teachers, media specialists, and guidance counselors payable on the first day that teachers are required to be in attendance at their school; Teachers employed as late as November 30 will be eligible; Receipts cannot be required before December 31, if they are required by the district at all;
- Funds credited to the Personal Property Tax Relief Fund established for car tax relief are reduced from \$20 million to zero (of the monies in this fund, \$12.38 million are recurring funds); In January, the constitutional amendment lowering the tax assessment ratio on automobiles will take effect.
- Certain administrative functions of the S.C. Commission for the Blind are transferred to the Department of Vocational Rehabilitation, but the commission retains its independence and oversight of programmatic responsibilities.
- \$1.4 million is included in SLED's budget for homeland security. (Additional federal funds are anticipated.)

The House also approved H.4879, the **Budget Proviso Codification Bill**, codifying numerous provisions that are a part of the General Appropriation Bill. The Codification Act also includes a temporary provision that outlines the proposed 2002-2003 spending plan for Education Lottery Account proceeds.

HOUSE COMMITTEE ACTION

The standing committees did not meet during the week-long consideration of the State government budget by the full House.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4891 *ANTIRABIC (HUMAN) VACCINE* Rep. Sharpe

This bill makes it mandatory that the Department of Health and Environmental Control (DHEC) ensure the availability of antirabic (human) vaccine and globulin products for persons bitten by or otherwise exposed to an animal found or suspected to be affected by rabies. The bill also provides that the provision of vaccine and globulin products shall be in accordance with DHEC guidelines, and DHEC is authorized to seek reimbursement from sources including, but not limited to, Medicaid/Medicare and/or personal/medical insurance of the person receiving the products. Currently, DHEC is required to furnish antirabic products "when it considers necessary," and DHEC must be reimbursed by the owner of the unvaccinated animal in question.

S.740 *STRIPED BASS AND BLACK BASS FROM LAKE MURRAY* Sen. Bauer

This bill provides that it is not unlawful for a person to take and have in his possession no more than two undersized striped bass taken from Lake Murray. The bill deletes the provision that the size limit on striped bass taken from Lake Murray is not in effect during the months of June, July, and August.

H.4912 *PROFESSIONAL ENVIRONMENTAL SYSTEMS OPERATORS* Rep. McLeod

With regard to professional environmental systems operators, this bill provides definitions for "pool/spa" and "pool/spa operator." The bill also adds requirements for applicants wishing to be licensed as Bottled Water Class Operators and pool/spa operators.

EDUCATION AND PUBLIC WORKS

H.4894 *COMMERCIAL MOTOR VEHICLES GREATER THAN TWENTY-SIX THOUSAND POUNDS* Rep. Townsend

This bill provides that for a commercial motor vehicle with a gross weight of more than twenty-six thousand pounds that operates with an apportioned license plate, the Department of Transportation (DOT) must be provided with the U.S. Department of Transportation Number of the registrant and motor carrier and a completed SC-150 form from the registrant. The bill also provides that DOT must suspend, revoke, or not issue a registration card and license plate for such a vehicle if the motor carrier who is responsible for the safety of the vehicle has been prohibited from operating by a federal agency. The bill requires that the registrant

must surrender to DOT any item suspended or revoked under these provisions, and the bill provides procedures that DOT shall take if the registrant unlawfully refuses to surrender these items. The bill also provides for a fee to be imposed by DOT before a suspended vehicle registration card may be reinstated.

**H.4899 *SURCHARGE ON MOTOR VEHICLE REGISTRATION
AND LICENSING FEES* Rep. R. Brown**

This bill provides for collection, processing, and allocation of an annual one dollar surcharge in addition to all current registration and licensing fees for motor vehicles. The bill provides that the fees shall be transferred to the Department of Health and Environmental Control (DHEC) to be used only for certain emergency medical services as provided in the bill.

H.4902 *CITADEL BOARD OF VISITORS* Rep. Scarborough

This bill provides that a member of the Citadel Board of Visitors may not serve more than two consecutive terms, excluding an appointment to fill an unexpired portion of the term.

H.4911 *UNIFORM SCHOOL TERM STARTING DATE* Rep. Kelley

This bill requires the State Superintendent of Education to appoint an advisory panel to recommend to the State Board of Education by June 1, 2002, a plan to implement a uniform school term starting date after Labor Day for public schools in South Carolina, beginning with the 2003-2004 school year and thereafter. The bill provides for composition of the panel and provides that the panel's recommendations shall also include any waivers and the procedures for any waivers that may be needed, as well as suggested PACT testing dates for the 2003-2005 school years. The advisory panel is abolished upon adoption of its recommendations by the State Board.

JUDICIARY

**S.65 *CONDITIONS UNDER WHICH ELECTIONS NEED NOT BE CONDUCTED*
Sen. Mescher**

This bill provides that no special election is required to be conducted to fill a vacancy in an office if only one candidate offers for an office and no one publicly announces an intention to offer for that office as a write-in candidate by two weeks after the filing for that office has closed. This provision would also apply to municipal general elections.

**S.715 *CHALLENGES IN JURY SELECTION FOR CRIMINAL CASES*
Sen. McConnell**

This bill revises provisions relating to the number of peremptory challenges for defendants and the State in criminal cases, so as to equalize the number of peremptory challenges allocated to defendants and the State. The bill also adds to the list of specific offenses for which the defendant and the State are entitled to ten challenges.

S.76 SOUTH CAROLINA VIOLENCE PREVENTION AUTHORITY Sen. Jackson

This bill establishes the "South Carolina Violence Prevention Authority" to coordinate statewide violence prevention efforts and develop a statewide plan that incorporates public health and public safety approaches to violence prevention in families, communities, and schools. The bill provides for the membership and duties of the new authority. The bill also provides for the issuance of violence prevention motor vehicle license plates.

S.963 UNLAWFULLY PASSING A STOPPED SCHOOL BUS Sen. Martin

This bill revises the penalty imposed for a first offense violation of unlawfully passing a stopped school bus.

S.1001 STATE COMMISSION OF FORESTRY LANDS Sen. Gregory

This bill revises provisions relating to cutting or removal of trees and destruction of State Commission of Forestry lands. The bill provides that, except where authorized, it is unlawful to display or consume alcoholic beverages on State Commission of Forestry lands. Penalties are provided for violations.

H.4898 CHILD ABUSE AND NEGLECT Rep. Harrison

This bill provides for numerous revisions of statutes pertaining to child abuse and neglect.

H.4910 PROHIBITION ON GENERAL ASSEMBLY MEMBERS ELECTING CERTAIN RELATIVES TO OFFICES Rep. Perry

This bill provides that a spouse, child, parent, brother, or sister of a member of the General Assembly is not eligible for an office that is elected by the General Assembly.

LABOR, COMMERCE AND INDUSTRY

**H.4893 DISCLOSURES REQUIRED IN SALES OF MANUFACTURED HOMES
Rep. Rice**

This bill provides that any person including a dealer or consumer who sells or transfers a manufactured home to another person for value must disclose to that person in writing any structural damages to or repairs of a certain amount made to the manufactured home within the seller's knowledge from the time it left the original manufacturer until the time of the sale or transfer. The bill provides civil penalties for violation of the disclosure requirement.

H.4897 JOINT UNDERWRITING ASSOCIATION FOR THE WRITING OF NURSING HOME INSURANCE Rep. Cato

This bill creates a Joint Underwriting Association for the Writing of Nursing Home Insurance in order to: (1) promote the public welfare by establishing a mechanism to provide medical malpractice liability insurance to those required to have such insurance; (2) provide controls over such mechanism in order to lower expenses and prevent abuses; (3) provide for competitive bidding of servicing carriers or

managers; and (4) provide controls over the application process to prevent fraud and inaccuracies as well as other improper practices.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1010 TASK FORCE ON CORRECTIONS Sen. Fair

This joint resolution establishes and provides for the Task Force on Corrections, charged to identify and study methods to promote fair and effective criminal and juvenile justice systems; provide for monitoring of correctional facilities and programs; and develop and maintain cooperative relationships with public and private organizations involved in corrections, probation, parole, and related issues. The resolution requires that the Task Force report recommendations to the General Assembly before March 1, 2003. The resolution provides that the Task Force terminates on the date it files its report or March 1, 2003, whichever occurs first.

H.4909 PHARMACIES AND PHARMACISTS Rep. Bingham

This bill makes numerous revisions to current law regarding pharmacists and pharmacies. These revisions include, but are not limited to:

- Authorizes a pharmacist to maintain generic substitution records electronically;
- Provides a definition for "certified pharmacy technician;"
- Revises registration qualifications for pharmacy technicians and further specifies application and renewal procedures;
- Provides that the current requirement that a pharmacist-in-charge must be assisted by a sufficient number of licensed pharmacists and registered pharmacy technicians as may be required to competently and safely provide pharmacy services may not be construed to require a pharmacist-in-charge to employ certified pharmacy technicians;
- Provides that emergency medical services and durable medical equipment facilities are not required to have a consultant pharmacist, and authorizes other health professionals with these services or facilities to perform the duties that would have been performed by a consultant pharmacist;
- Provides further for pharmacy permit and license application and renewal procedures;
- Provides continuing education requirements for registered pharmacy technicians.

H.4913 AUTHORITY OF STATE BOARD OF PHYSICAL THERAPY EXAMINERS/CHIROPRACTORS Rep. M. Hines

This bill revises current provisions regarding the authority of the State Board of Physical Therapy Examiners to refuse to grant and to revoke, suspend, or restrict a license and grounds for such actions, so as to include as such grounds:

- Failing to refer a patient to, in addition to others as currently provided, a licensed chiropractor when the patient's condition is beyond the scope of practice of the physical therapist;

- Treating a patient without a referral from, in addition to others currently provided, a licensed chiropractor.

WAYS AND MEANS

H.4896 LOTTERY VENDOR CONTRACTS Rep. Quinn

This joint resolution instructs the South Carolina Lottery Commission to enforce, immediately upon default or breach by a lottery vendor of a contract entered into between the Commission and the vendor, a liquidated damages provision or a provision for late fines or penalties in the contract, a performance or bid bond, a letter of credit securing the performance or bid, or specific performance of the subject contract provision. The bill also requires the Commission to report monthly to the State Budget and Control Board the status of performance of each contract in effect between the Commission and a lottery vendor.

H.4900 EMPLOYMENT SECURITY CONTRIBUTIONS Rep. G.M. Smith

This bill provides that, with respect to employment security contributions, an employer's requirement to pay contributions in accordance with the provisions of *Title 41* (Labor and Employment) of the *South Carolina Code of Laws* terminates upon the employer's accumulation of a reserve balance equal to ten years of projected benefits.

H.4901 NOTARIES PUBLIC Rep. Hinson

This bill requires that notaries public maintain a sequential journal of all notarial acts performed. The bill specifies items which must be recorded by the notary. The bill also increases fees which notaries may charge and provides that no notary may receive compensation or charge any fee to a United States military veteran or to a firefighter, police officer, or sheriff's deputy for notarization of an application or a claim for any benefit resulting from their public service. The bill also adds "personal knowledge" and "satisfactory evidence of the identity of an individual" as matters which must be certified when the notary takes an acknowledgement.

H.4908 MOTOR VEHICLE PROPERTY TAX Rep. Sharpe

This bill provides a definition of "personal motor vehicle" for purposes of applying the appropriate assessment ratio used to determine the assessed value of such vehicles for the property tax.

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